

REMARKS

I. Status of the Claims

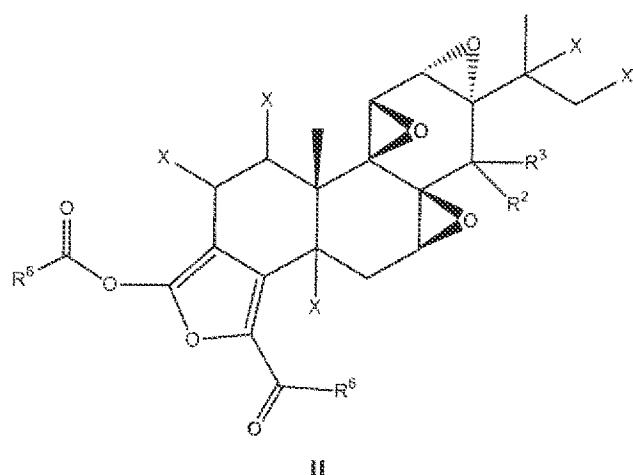
Claims 1-24 are pending and under consideration. Claims 1-13, 21 and 22 have been previously withdrawn as drawn to non-elected subject matter, and claims 23 and 24 have been previously canceled, without prejudice against their reintroduction into this or one or more timely filed continuation, divisional or continuation-in-part applications. Claims 14-20 are pending and under consideration. No amendments to the claims are presented with this response.

II. Rejection under 35 U.S.C. § 102

Claims 14-20 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Fidler *et al.*, WO 2005020887 (US 60/483,335, filed 27 June 2003). This rejection is respectfully traversed for the following reasons.

A. The Present Claims

The pending claims relate to a compound having the structure II:



where

each R<sup>6</sup> is independently selected from alkyl, alkenyl, alkynyl, or aryl;

CR<sup>2</sup>R<sup>3</sup> is CHO<sub>2</sub> or C=O;

at most one of the groups X is hydroxyl, and the remaining groups X are hydrogen.

B. The Cited Art

As noted by the Examiner on page 3 of the Office Action, PCT Publication WO 2005020887 describes the PF796 compound at page 17.

C. Analysis

Applicants respectfully submit that the Examiner has failed to make a *prima facie* case of anticipation.

The basis for the Examiner's 102(e) rejection is that PCT Publication WO 2005020887 claims priority to US Provisional Application 60/483,335, filed 27 June 2003. However, a review of the 60/483,335 application reveals that it contains no disclosure of the presently claimed compound. Thus, with respect to the presently claimed composition, PCT Publication WO 2005020887 has an effective priority date of the date of its filing, which is 25 June 2004.

In contrast, the present application claims priority to US Provisional Application 60/549,769, filed 2 March 2004. Thus, PCT Publication WO 2005020887 is not prior art to the presently claimed subject matter.

Both Provisional Applications are submitted herewith, for the Examiner's convenience.

Accordingly, Applicants submit that standard of strict identity to maintain a rejection under 35 U.S.C. § 102(e) has not been met. Withdrawal of this rejection is respectfully requested.

**CONCLUSION**

In view of the foregoing, the pending claims are believed to satisfy all of the criteria for patentability and are in condition for Allowance. An early indication of the same is therefore kindly requested.

No fees are believed to be due in connection with this Amendment. However, the Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to King & Spalding LLP Deposit Account No. 50-4616.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 590-1932.

Respectfully submitted,  
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/Susan J. Myers Fitch/

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